

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claims 1, 5, 6 and 10 have been amended to clarify the feature of the present invention whereby image data corresponding to an electric signal subjected to a brightness determination is stored in a memory.

In addition, some minor clarifying amendments have been made to each of claims 1, 2, 5, 6 and 10 to put the claims in better form for issuance in a U.S. patent.

Still further, new claims 13 and 14 have been added to recite an image pickup unit comprising a pre-emission instructing unit and a main emission instructing unit which instruct a timing of light emission of a light emitter, as well a light-quantity determining section for determining a proper brightness and control means which operates in accordance with the brightness determination.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered under 37 CFR 1.116.

CLAIM FEE

The application, as amended, now contains 14 claims of which 5 are independent. Accordingly, a claim fee in the amount of \$84.00 for the addition of 1 extra independent claim is attached hereto. In addition, authorization is hereby given to charge any additional fees which may be determined to be required to Account No. 06-1378.

THE PRIOR ART REJECTION

Claims 1-2 and 5-12 were rejected under 35 USC 103 as being obvious in view of USP 6,426,775 ("Kurokawa"), and claims 3 and 4 were rejected under 35 USC 103 as being obvious in view of the combination of Kurokawa and JP 07-015655 ("Kitajima"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in amended claims 1, 5 and 6, an image pickup device is provided which makes a determination of whether or not an electric signal produced by the image pickup unit has a proper brightness, in a case where the image is picked up by the image pickup unit with light emitted from a light emitter, and which then stores image data corresponding to the electric signal subjected to the determination when the result of the determination is "proper".

By contrast, Kurokawa merely discloses an image pickup apparatus that determines whether or not a brightness is low (i.e., "dark"), and does not disclose, teach or suggest storing image data corresponding to an electric signal subjected to the determination. In addition, it is respectfully pointed out that in Kurokawa, whenever an image pickup operation is accompanied by light emission and obtained image data is then stored, both the image pickup operation and the light emission must be performed two times.

Accordingly, it is respectfully submitted that the present invention as recited in amended claims 1, 5 and 6 clearly patentably distinguishes over Kurokawa.

According to the present invention as recited in amended claim 10, moreover, an image pickup method is provided which comprises determining a brightness of a state of an image picked up by a first image pickup operation carried out in timing with a first light emission, and storing image data corresponding to an electric signal subjected to determination of the brightness of the state of the picked up image, if a result of the determination is "at or above a predetermined value". In other words, according to the method of the present invention as recited in amended claim 10, the condition of the image obtained by the first image pickup operation is checked in order that the determination be made by the determining means.

By contrast, it is again respectfully pointed out that Kurokawa merely discloses determining a brightness state of a picked up image, and does not disclose, teach or suggest storing image data corresponding to an electric signal subjected to the determination. In addition, it is again respectfully pointed out that in Kurokawa, whenever an image pickup operation is accompanied by light emission and obtained image data is then stored, both the image pickup operation and the light emission must be performed two times.

Accordingly, it is respectfully submitted that the present invention as recited in amended claim 10 also clearly patentably distinguishes over Kurokawa.

And still further, it is respectfully submitted that Kurokawa also does not disclose, teach or suggest the features of the present invention as recited in new claim 13.

Kitajima, moreover, has merely been cited for the disclosure of a controller which prohibits storage in a memory.

Accordingly, it is respectfully submitted that the present invention as recited in each of amended independent claims 1, 5, 6 and 10 and new independent claim 13, as well as each of claims 2-4, 7-9, 11-12 and 14 respectively depending therefrom, patentably distinguishes over Kurokawa and Kitajima, taken singly or in combination, under 35 USC 103.

Application No. 09/286,791
Response to Final Office Action

In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2023
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

DH:iv
encs.